

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JACOB CHRISTIAN GOINS,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-22-01014-JD
)	
GEO LAWTON)	
CORRECTIONAL FACILITY; and)	
MICHAEL BOGER, DO, individual)	
and official capacities,)	
)	
Defendants.)	

ORDER

Plaintiff Jacob Christian Goins (“Goins”), an Oklahoma state prisoner appearing pro se, filed this action under 42 U.S.C. § 1983. [Doc. No. 1]. The Court referred the matter to United States Magistrate Judge Gary M. Purcell for preliminary review. [Doc. No. 3]. Goins has been given opportunities to amend his complaint to allege his constitutional claims. *See* Orders [Doc. Nos. 10, 13]. Goins filed amended complaints [see Doc. Nos. 12, 15], and his Second Amended Complaint is the operative complaint.¹

Judge Purcell screened Goins’s Second Amended Complaint [Doc. No. 15] and entered a thorough Report and Recommendation recommending that the Court dismiss the action without prejudice for failure to state a claim upon which relief could be

¹ An amended complaint supersedes the prior complaints and renders them of no legal effect. *See Predator Int’l, Inc. v. Gamo Outdoor USA, Inc.*, 793 F.3d 1177, 1180–81 (10th Cir. 2015) (explaining that “an amended pleading supersedes the pleading it modifies and remains in effect throughout the action unless it subsequently is modified” (internal quotation marks and citation omitted)); *Mink v. Suthers*, 482 F.3d 1244, 1254 (10th Cir. 2007) (same); *Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10th Cir. 1991) (same).

granted. [Doc. No. 17]. Judge Purcell advised Goins of the right to file an objection to the Report and Recommendation by March 28, 2023, and that a failure to timely object would waive Goins's right to appellate review of both factual and legal issues contained in the Report and Recommendation. *Id.* at 9–10 (citing *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991) and *Marshall v. Chater*, 75 F.3d 1421, 1426 (10th Cir. 1996)); *see also* 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*”) (emphasis added); Fed. R. Civ. P. 72(b)(3) (“The district judge must determine de novo *any part of the magistrate judge's disposition that has been properly objected to.*”) (emphasis added).

To date, the record reflects that Goins did not file an objection to the Report and Recommendation by the deadline or request an extension of time to do so. Upon its review, the Court adopts the Report and Recommendation.

Accordingly, the Court **ACCEPTS** the Report and Recommendation [Doc. No. 17] and **DISMISSES** this action without prejudice. A separate judgment will follow.

IT IS SO ORDERED this 9th day of November 2023.



JODI W. DISHMAN
UNITED STATES DISTRICT JUDGE